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**COMMENTS ON REASONS FOR ALLOWANCE**

Applicant	:	D'Amour et al.
App. No	:	10/584,338
Filed	:	January 9, 2007
For	:	Definitive Endoderm
Examiner	:	Wu-Cheng Winston Chen
Art Unit	:	1632
Conf No.	:	3658

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Reasons for Allowance issued in connection with the above-referenced application, the Examiner asserts that “the end product of the methods disclosed by Fisk et al. are endoderm cells express [sic] the markers Sox17, HNF3 $\beta$ , and HBF4 $\alpha$  (hepatocyte nuclear factor 4  $\alpha$ ), which are more differentiated cells than the end product of the claimed methods of instant [sic] application, definitive endoderm cells expressing SOX17 and HBF3 $\beta$ .” Applicants do not agree with the Examiner’s characterization of the Fisk et al. reference.

Applicants would like to point out Fisk et al. disclose embryonic stem cells that have been differentiated by processes quite distinct from those claimed in the instant application. Fisk et al. does disclose a cell type that they term “gut endoderm.” According to Fisk et al., these “gut endoderm” cells are alleged to express mRNAs encoding Sox17, HNF3 $\beta$ , and HNF4 $\alpha$ . This characterization, however, is insufficient to establish that such cells “are more differentiated cells than the end product of the claimed methods of instant [sic] application, definitive endoderm cells expressing SOX17 and HNF3  $\beta$ ” as alleged by the Examiner. As such, Applicants do not agree with the Examiner’s assertion that cells disclosed by Fisk et al. are more differentiated than the end product of the claimed methods of the instant application.


**Application No.:** 10/584,338  
**Filing Date:** January 9, 2007

Applicants do not believe any fees are required with the instant submission, however, in the event that fees are deemed necessary, please charge them to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/24/2009

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